

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

*In re New York City Policing During Summer
2020 Demonstrations*

This document relates to:

All Cases

20-cv-08924 (CM) (GWG)

[PROPOSED] ORDER

WHEREAS, on January 27, 2023, the Court ordered Defendants to provide proposed deposition dates for witnesses noticed by Plaintiffs by a set schedule and to reschedule cancelled depositions;

WHEREAS, the Court had previously explained at a March 4, 2022 teleconference that cancelling a confirmed deposition date for a high-level officer has “got to be something that is of an emergent, emergency nature”;

WHEREAS Defendants have since cancelled and not rescheduled numerous depositions without providing the reasons for those cancellations;

WHEREAS, on March 28, 2023, the parties met and conferred regarding their concern that these accumulating cancellations would threaten to “load[] extra depositions onto the end of the schedule” which the Court warned against, ECF No. 829, and Plaintiffs learned that some of the cancellations were due to non-emergent situations, including the unavailability of independent union counsel for the deponent and issues collecting witnesses’ cellular phones;

WHEREAS, the parties agreed at the conclusion of that conferral that: (1) Defendants shall not cancel a high-level deponent, including a 30(b)(6) witness, unless in case of an emergent situation; (2) Defendants will provide their reasons for any future cancellations at the

time of cancellation; and (3) Defendants will attempt to reschedule cancelled deponents on an alternative proposed date proposed by Plaintiffs.

WHEREAS, this Order has been proposed using the mechanism the Court described in ECF No. 490;

IT IS HEREBY ORDERED that: (1) Defendants shall not cancel a high-level deponent, including a 30(b)(6) witness, unless in case of an emergent situation; (2) Defendants will provide their reasons for any future cancellations at the time of cancellation; and (3) Defendants will attempt to reschedule cancelled deponents on an alternative proposed date proposed by Plaintiffs.

SO ORDERED:

Hon. Gabriel W. Gorenstein
United States Magistrate Judge